

Application Serial No. 09/936,273  
Final Amendment dated March 13, 2006  
Reply to Final Office Action dated December 12, 2005

### **REMARKS/ARGUMENTS**

In response to the Office Action, dependent Claim 31 has been placed in independent form by incorporating the subject matter of Claim 31 into base independent Claim 21. Furthermore, Claims 32 and 33 have been rewritten in independent form as new Claims 35 and 36, which claims also include the subject matter of dependent Claim 31. Thus, the claimed invention is now focused on the subject matter of prior Claims 31, 32 and 33.

Although the Examiner rejected Claim 31 as obvious over a combination of Bruhn, Navaro et al and Wallentin, it is submitted that Wallentin is not properly combined as a prior art reference with the other two because it does not relate to adapting a codec operating mode in a mobile transmission network at all. A person of ordinary skill in the art would not have considered Wallentin to modify the teaching of Bruhn and Navaro because Wallentin does not even address the problem of changing the codec operating modes. Accordingly, a combination of Bruhn, Navaro et al and Wallentin fail to set forth the subject matter of independent Claims 21, 35 and 36.

It is believed that the narrowed focus by combining Claims 21 and 31 distinguishes over the disclosures of Bruhn, Navaro et al and Wallentin and it is further submitted that because Wallentin does not even relate to the adaptation of a codec operation mode that there is no inherent teaching or suggestion to make the combination.

Although it is believed that the revised claims patentably define over the prior art, if the Examiner has any suggestions for further amendments or believes that a discussion with the

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undersigned would be helpful in expediting prosecution, it is requested that he telephone the undersigned at 260-460-1692.

Respectfully submitted,

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (facsimile number 571-273-8300) on the date indicated below:

JOHN F. HOFFMAN, REG. NO. 26,280

Name of Registered Representative

Signature

March 13, 2006

Date